



General Assembly

***Substitute Bill No. 80***

*February Session, 2012*

\* \_\_\_\_SB00080HED\_\_041712\_\_ \*

***AN ACT EXPANDING TEST BED AUTHORITY AT THE CONSTITUENT  
UNITS OF THE STATE SYSTEM OF HIGHER EDUCATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 10a-151b of the 2012 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective July 1, 2012*):

4       (a) Notwithstanding the provisions of chapter 58, and sections 4-98,  
5 4a-4, 4a-5, 4a-6, 4d-2, and 4d-5 to the contrary, a chief executive officer  
6 may purchase equipment, supplies and contractual services, execute  
7 personal service agreements, as defined in section 4-212, or lease  
8 personal property compatible, where relevant, with standards for  
9 computer architecture established by the Department of  
10 Administrative Services, without the approval of the Comptroller, the  
11 Secretary of the Office of Policy and Management or the Commissioner  
12 of Administrative Services, provided the chief executive officer  
13 consults with the commissioner and such purchases are made in  
14 accordance with this section and in accordance with policies which are  
15 (1) adopted by the board of trustees of the constituent unit after  
16 reasonable opportunity for interested persons to present their views,  
17 and (2) subject to section 4-175. For purposes of this section, "chief  
18 executive officer" means the chief executive officer of a constituent unit  
19 of the state system of higher education or the chief executive officer of

20 an institution within the jurisdiction of such a constituent unit. The  
21 provisions of sections 4-212 to 4-219, inclusive, and section 9 of public  
22 act 93-336 shall not apply to personal service agreements executed  
23 pursuant to this section.

24 (b) Purchases made pursuant to this section shall be based, when  
25 possible, on competitive bids or competitive negotiation. Such chief  
26 executive officer shall solicit competitive bids or proposals by sending  
27 notice to prospective suppliers and by posting notice on a public  
28 bulletin board in his office. Such notice shall contain a notice of state  
29 contract requirements pursuant to section 4a-60. Each bid or proposal  
30 shall be kept sealed until opened publicly at the time stated in the  
31 notice soliciting such bid or proposal. Sealed bids or proposals shall  
32 include bids or proposals sealed within an envelope or maintained  
33 within a safe and secure electronic environment until such time as they  
34 are publicly opened. If the amount of the expenditure is estimated to  
35 exceed fifty thousand dollars, competitive bids or proposals shall be  
36 solicited by public notice inserted at least once in two or more  
37 publications, at least one of which shall be a major daily newspaper  
38 published in the state, and shall be posted on the Internet, and at least  
39 five calendar days before the final date of submitting bids or  
40 proposals. All purchases fifty thousand dollars or less in amount shall  
41 be made in the open market, but shall, when possible, be based on at  
42 least three competitive quotations. If desired by the constituent unit,  
43 competitive quotations may include quotations submitted to the  
44 constituent unit within a safe and secure electronic environment. The  
45 constituent unit shall not refuse to consider a bid, proposal or  
46 quotation because it is not submitted electronically.

47 (c) Notwithstanding the provisions of subsection (b) of this section  
48 to the contrary, competitive bidding or competitive negotiation is not  
49 required in the case of (1) minor purchases of ten thousand dollars or  
50 less in amount, [or in the case of] (2) purchases made pursuant to  
51 subsection (k) of this section, or (3) emergency purchases. Whenever  
52 an emergency exists by reason of extraordinary conditions or  
53 contingencies that could not reasonably be foreseen and guarded

54 against, or because of unusual trade or market conditions, the chief  
55 executive officer may, if it is for the best interest of the state, make  
56 purchases without competitive bidding. A statement of all emergency  
57 purchases made under the provisions of this subsection shall be set  
58 forth in the annual report of the chief executive officer.

59 (d) Nothing in this section shall exempt a constituent unit or chief  
60 executive officer from complying with the provisions of sections 4a-60  
61 and 4a-61.

62 (e) No person, firm or corporation disqualified pursuant to section  
63 4a-52a, or by the Commissioner of Administrative Services pursuant to  
64 section 4a-63 from bidding on contracts with the Department of  
65 Administrative Services may bid pursuant to this section.

66 (f) A chief executive officer who enters into a contract under this  
67 section which fails to meet the requirements of this section shall be  
68 personally liable for the costs of such contract and such contract shall  
69 be void and of no effect. Any amount paid under such contract may be  
70 recovered from such chief executive officer by the state in a civil action.

71 (g) Nothing in this section shall be construed to prevent a chief  
72 executive officer from participating in a contract for the purchase of  
73 equipment, supplies or services with the Department of  
74 Administrative Services pursuant to chapter 58.

75 (h) Nothing in this section shall be construed to prevent a  
76 constituent unit from entering into a corporate sponsorship agreement  
77 which contains provisions for the barter of goods and services,  
78 provided such agreement is entered into in accordance with policies  
79 and procedures governing such agreements pursuant to subsection (a)  
80 of this section.

81 (i) For the period from July 1, 2002, to June 30, 2006, inclusive, any  
82 funds or revenues collected from ticket sales by the contractor hired by  
83 Western Connecticut State University to operate and manage its  
84 O'Neill Center, shall not be deemed to be state funds for the purposes

85 of sections 4-32 and 4-33 and may be deposited in the contractor's  
86 account for a period of time not to exceed forty days, during which  
87 time the contractor shall pay all expenses related to the event for which  
88 the tickets were sold and make an accounting of the portion of the  
89 funds to be remitted to the university, and then remit such funds to the  
90 university pursuant to the terms of the contract. Upon receipt of such  
91 funds, the university shall deposit such funds in accordance with the  
92 provisions of sections 4-32 and 4-33.

93 (j) Notwithstanding the provisions of subsections (a) and (b) of this  
94 section, a chief executive officer may not extend a contract with a value  
95 of fifty thousand dollars or more per year to perform janitorial,  
96 building maintenance, security or food and beverage services unless:  
97 (1) Such contract is in effect on May 1, 2005; (2) such extension is for a  
98 period of one year from the date such contract would otherwise expire;  
99 and (3) any such extension includes any applicable increase in the  
100 standard wage and the payroll burden to administer the standard  
101 wage, as established by the Labor Department.

102 (k) A chief executive officer of a constituent unit may purchase, or  
103 make expenditures related to the development of, any technology,  
104 product or process for the purpose of testing such technology, product  
105 or process in the operation of the constituent unit on a trial basis, if (1)  
106 such technology, product or process (A) is part of or related to a  
107 research program at the constituent unit, (B) has the potential, as  
108 determined by the chief executive officer, to provide economic benefit  
109 to the state, (C) will not adversely affect the safety of any individual,  
110 and (D) has potential for commercialization, and (2) the chief executive  
111 officer has received a recommendation to test such technology,  
112 product or process from a constituent unit committee whose  
113 membership includes the chief purchasing official, the chief academic  
114 officer and the chief economic development officer for the constituent  
115 unit, or their designees.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2012</i>	10a-151b
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**CE**      *Joint Favorable Subst.*

**HED**      *Joint Favorable*